
Public Notice

Applicant:
The NRP Group LLC

Date:
Published: May 8, 2002
Expires: ~~June 6, 2002~~

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 1999-00281(2) **Section:** OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The NRP Group LLC, c/o Mr. David Burg, 5309 Transportation Boulevard, Cleveland, Ohio 44125, has applied for a Department of the Army permit to construct the Saybrook Elderly housing project, Phase II, also known as the Willowbrook Senior Apartments, an elderly residential community located at the intersection of North Bend Road and Route 20 (Prospect Road), in Saybrook Township, Ashtabula County, Ohio.

The current Phase II proposal includes the construction of an additional 48 rental units for low-income, elderly residents. The construction of this project will result in a permanent loss of 2.58 acres of Federal wetlands and 747 linear feet of a modified stream channel. The cluster housing project is situated to facilitate access to shared facilities in Phase I for persons with limited mobility.

On August 3, 1999, the Corps of Engineers, Buffalo District, affirmed a Nationwide Permit 26 (Department of the Army Application Number 1999-00281(0)) for impacts to 2.5 acres of jurisdictional wetland with required mitigation for Phase I of the Saybrook Elderly Housing Project. The applicant completed Phase I and performed all mitigation requirements including the establishment of a recorded conservation easement on all the remaining wetlands within the Phase I property boundaries. The total cumulative impacts for Phase I and Phase II will include the loss of 5.08 acres of wetland and 747 linear feet of stream.

The proposed Phase II project includes impacts to 0.15 acres of Federal wetlands located in the Phase I area. Of these newly proposed impacts, 0.09 acres of Federal wetland lie within a Conservation Easement held by the Ashtabula Soil and Water Conservation District required as mitigation for Phase I impacts (see sheets 5 and 6 of 6). The Soil and Water District has agreed to amend the existing Conservation Easement to allow the construction of the loop road in Phase I for the safety of these residents.

As mitigation for the proposed Phase II impacts to 2.58 acres of Federal wetland and 747 linear feet of an unnamed tributary to Red Brook, NRP Group proposes to purchase 1 credit at the Trumbull Creek Mitigation Bank; preserve 13.7 acres of onsite wetlands and

1.15 acres of upland buffer by placing a conservation easement on these areas; and relocate the existing stream channel to an on-site location resulting in 898 linear feet of a new channel. Approximately 613 linear feet of the new stream channel will be protected with a conservation easement 30 feet in width. The remainder of the new channel, 285 linear feet, will be constructed using natural channel design techniques and will be protected with a conservation easement 50 feet in width.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Theresa B. Hudson, who can be contacted by calling (440) 437-5847, or by e-mail at: theresa.b.hudson@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, Orwell Field Office, 33 Grand Valley Avenue, Orwell, Ohio 44076-9566, and should be marked to the attention of Theresa B. Hudson, or by e-mail at: theresa.b.hudson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

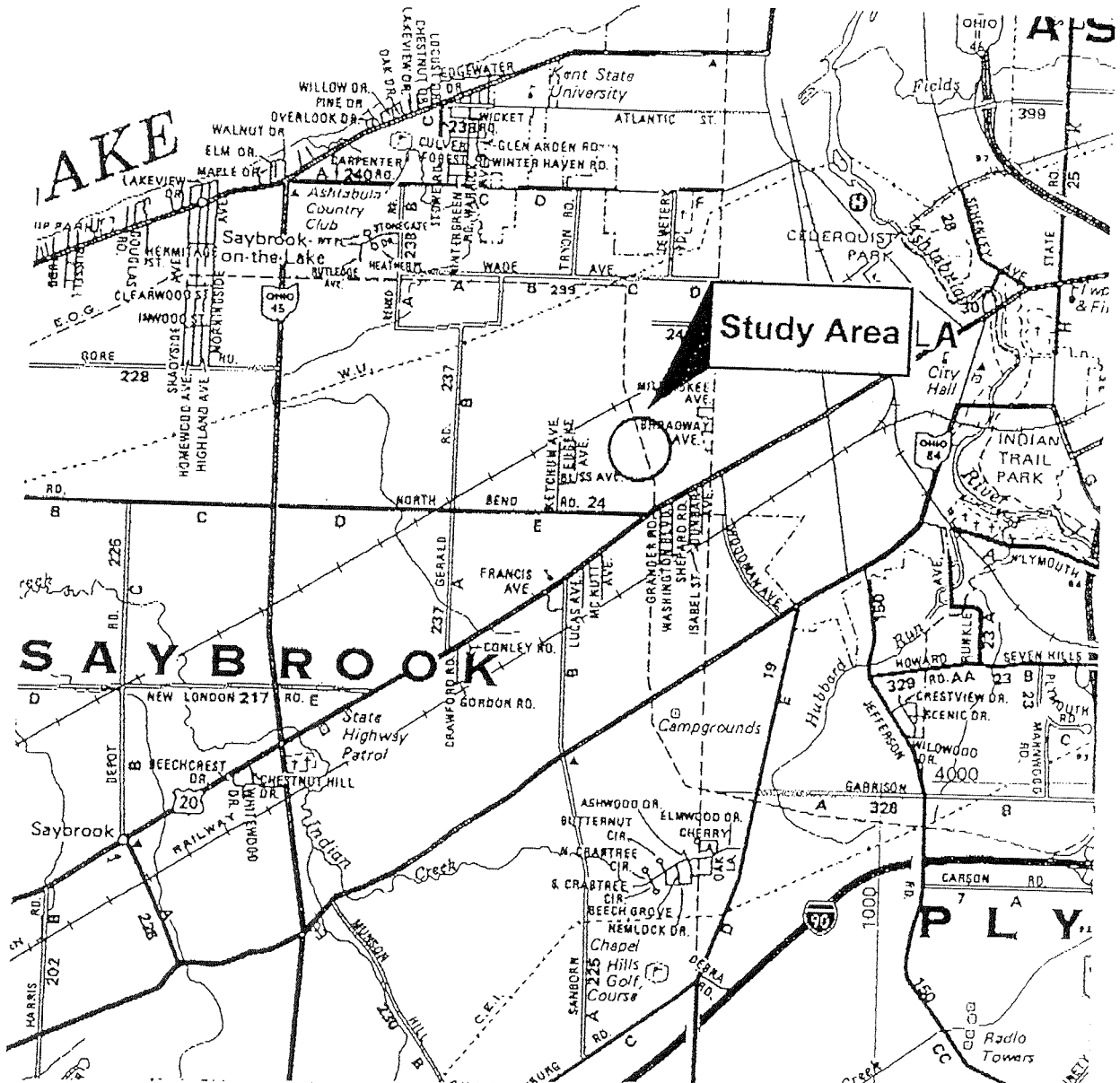
Appendix B Location of Study Area on Highway Map



Site: 47.4 Acres, U.S. 20, Saybrook Township,
Ashtabula County, Ohio

Scale: 1" = 1 mile

Source: Ashtabula County Highway Map



NRP CONTRACTORS/SAYBROOK ELDERLY
HOUSING
D/A Processing No. 1999-00281(2)
Ashtabula County, Ohio Quad: ASHTABULA
SOUTH
Sheet 1 of 6

December, 2000

Prepared for

The NRP Group LLC

27.8 acres, Saybrook Township
Ashtabula County, Ohio

Prepared by



Data used to produce this
map were collected
November 2, 2000

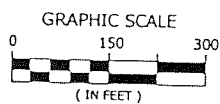
NRP CONTRACTORS/SAYBROOK ELDERLY
HOUSING

D/A Processing No. 1999-00281(2)

Ashtabula County, Ohio Quad: ASHTABULA

SOUTH

Sheet 2 of 6

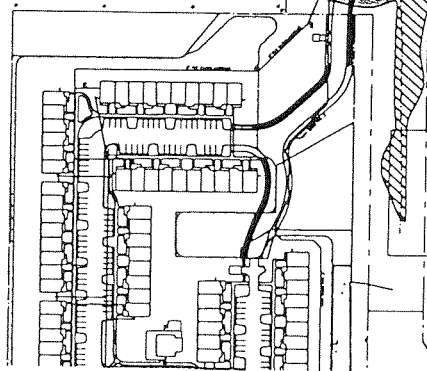


- = Study area
- = Jurisdictional wetlands (17.862 acres)
- = Drainageway (1,367 feet linear feet)
- = Direction of flow
- = Railroad

US 20

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HOUSING
D/A Processing No. 1999-00281(2)
Ashtabula County, Ohio Quad: ASHTABULA
SOUTH
Sheet 3 of 6

Phase I
(previously
permitted
1999-00281(0))



PHASE II LEGEND			
	TOTAL WETLAND	(17.05 Acres)	
	EXISTING WETLANDS UN-IMPACTED	(1.65 Acres)	
	WETLANDS TO BE FILLED	(2.32 Acres)	
	PHASE I CONSERVATION EASEMENT	(1.26 Acres)	
	WETLAND AREA	(0.92 Acres)	
	UPLAND AREA	(0.34 Acres)	
	PHASE II CONSERVATION EASEMENT	(13.59 Acres)	
	WETLAND AREA	(12.77 Acres)	
	UPLAND AREA	(0.82 Acres)	
DISTURBED GRASSLAND MAY			
PROPOSED GRASSLAND MAY			
ADDITIONAL WETLANDS IMPACTS PHASE I ACCESS ROAD (0.06 Acres)			
TOTAL PROPOSED WETLAND IMPACTS PHASES I & II (2.38 Acres)			
STREET BUFFER EASEMENT AREA (0.90 Acres)			

US RT-20

adbow

SAYBROOK ELDERLY HOUSING - PHASE II
SAYBROOK TOWNSHIP - ASHTABULA - OHIO

PREFERRED
ALTERNATIVE
WITH MINIMIZATION

A
SHEET
1 OF 1

SCALE: 1"=100'



SAYBROOK ELDERLY HOUSING - PHASE II

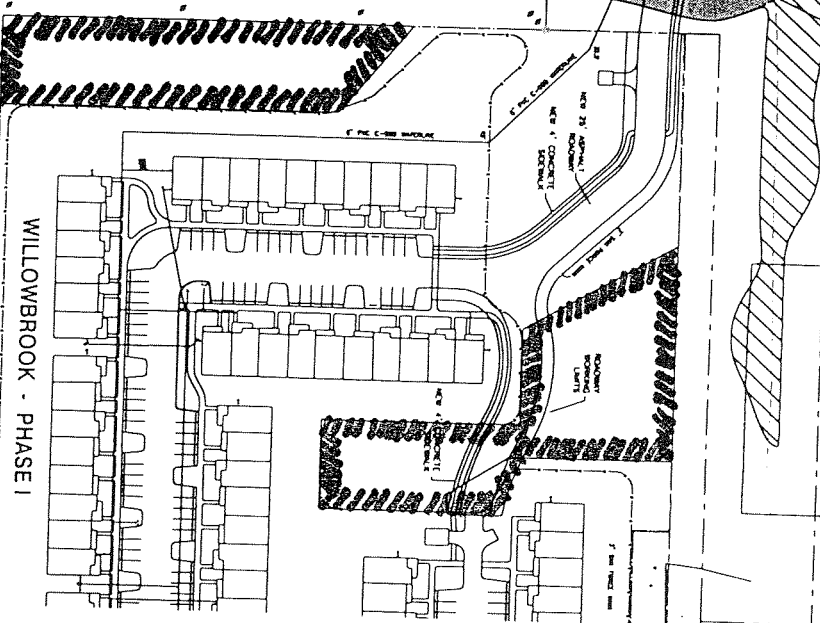
PHASE II LEGEND

TOTAL WETLAND	(17.86 Acres)
EXISTING WETLANDS UN-IMPACTED	(3.34 Acres)
WETLANDS TO BE FILLED	(2.52 Acres)
PHASE I CONSERVATION EASEMENT	(0.92 Acres)
PHASE II CONSERVATION EASEMENT	(9.08 Acres)
DISTURBED DRAINAGE WAY	(74.7 UN FT)
PROPOSED DRAINAGE WAY	(1070 UN FT)
ADDITIONAL WETLANDS IMPACTS PHASE I ACCESS ROAD	(0.06 Acres)
TOTAL PROPOSED WETLAND IMPACTS PHASES I AND II	(2.58 Acres)

existing Conservation Easement (Phase I)

WILLOWBROOK - PHASE I

A Nationwide Permit 26 (DOA # 1999-00281(0)) was obtained on August 3, 1999 for Willowbrook Senior Apartments Phase I. Mitigation was performed on- and off-site for impacts to wetlands.



A majority of the 48 units in Phase II will be constructed under the Affordable Housing Tax Credit program, the financing of which allows high-quality housing to be built for occupants with low and moderate income levels. The average annual income for Phase I residents in the tax credit-financed units is \$15,635. More than 20 % of the Phase II units will be set-aside for residents who are mobility or sensory impaired. Based on statistics from Phase I, the average age of the Phase II residents is anticipated to be 73.

For these considerations alone, Phases I and II need to be in close proximity to one another, even though that requires additional wetland fill. Shared resources, like the business office, community center, computer room and community library, are at the Phase I clubhouse. Phase II will have a community hall with a management office, but the applicant anticipates that most of the community-wide activities will still occur at the Phase I clubhouse, which is now within walking distance for Phase II's seniors.

Sliding the Phase II access road back 320 feet so that the Phase II development would not impact as many wetlands would greatly affect the mental and physical challenges associated with accessing Phase I from Phase II. These are independent-minded seniors, however, they will still average 73 years in age and will be semi-mobile. Twenty percent of the residents will have a mobility and/or sensory impairment, further highlighting the need for closer proximity between shared resources, and to maintain mutual friendships across the development. These phases need to be clustered as closely together as possible for these reasons. Again, extending the road further north suggests the need to keep the walking distances between the two communities at the absolute minimum.

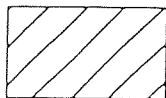
Beyond this primary consideration, the applicant has expressed other serious concerns with the idea of extending the road further north. Sliding Phase II further north would also require that the applicant construct a longer access drive, the cost of which cannot be delayed by rental income since no units could be constructed along the extension for fire-safety purposes. In a 48 unit development, there are limited costs as it is to deal with the extraordinary demands that this site presents, such as wetlands mitigation costs, consideration for the import of major fill, removing some shallow bedrock to pour footings for slabs, potential conservation easement oversight costs, etc. Additional quality thresholds within the units.

Sliding Phase II further north would also greatly complicate both the storm water engineering and the health and safety site planning considerations, given the unparallelled grading challenges and the land limitations caused by the uplands that are available as the only area for a storm water detention basin. This is so due to the structures that are only sited to the north of the loop's throat. Sliding Phase II forward would effectively pinch the loop, and negatively affect the turning radii, which is, with the current loop, already approaching a tight number.

PREFERRED ALTERNATIVE WITH MINIMIZATION

SAYBROOK ELDERLY HOUSING - PHASE II
SAYBROOK TOWNSHIP - ASHTABULA - OHIO

1 of 1



TOTAL WETLAND AREA IN
PHASE I ~3.906± ACRES



PERMITTED WETLANDS IN
PHASE I ~2.478± ACRES
(DOA 1999-00281NW26)

NRP CONTRACTORS/SAYBROOK ELDERLY
HOUSING
D/A Processing No. 1999-00281(2)
Ashtabula County, Ohio Quad: ASHTABULA
SOUTH
Sheet 5 of 6

oxbow@interax.com

WILLOWBROOK SENIOR HOMES
EXISTING CONDITIONS
SCALE 1"=100'

MARCH 11, 2002

